

Town of South Hampton  
New Hampshire  
Warrant and Budget  
2016

To the inhabitants of the town of South Hampton in the County of Rockingham in the state of New Hampshire qualified to vote in town affairs:

You are hereby notified and warned to meet at the Town Hall in said Town on Tuesday the 8<sup>th</sup> of March 2016, between the hours of 11:00 in the forenoon and 8:00 in the evening to act upon Articles 1-3.

You are also hereby notified and warned to meet at the Town Hall in said Town on Saturday, the 12<sup>th</sup> of March 2016 at 10am in the morning to act upon Article 4 and all subsequent articles.

**Article 01: To choose the necessary Town Officers for the ensuing year:**

1) Selectmen	3 year term
1) Treasurer	3 year term
1) Trustee of the Cemetery	3 year term
1) Trustee of the Trust Fund	3 year term
1) Trustee of the Trust Fund	1 year term
1) Trustee of the Library	3 year term
1) Budget Committee	3 year term
1) Auditor	2 year term
1 Supervisor of the Checklist	6 year term

**Article 02: Noise Ordinance**

Are you in favor of the adoption of the following ordinance to the Town of South Hampton as proposed by the Selectmen:

**NOISE ORDINANCE**

**1. PURPOSE AND INTENT**

It is declared to be the intent of the Town of South Hampton to promote an environment free from excessive noise which jeopardizes the health and welfare of the citizens of the Town of South Hampton and degrades the quality of life in this community, without unduly prohibiting, limiting or otherwise regulating the function of certain noise producing equipment which is not amenable to such controls yet is essential to the economy and quality of life of the community. Under the authority granted to the Town pursuant to RSA31:39, the Town adopts the Noise Ordinance to achieve these goals. This Ordinance promotes inspection and enforcement by defining

offenses and penalties.

## **2. PROHIBITED SOUNDS**

Because the creation and/or maintenance of loud, unnecessary or unusual noises, within the Town of South Hampton, which are prolonged, unusual and unnatural in their time, place and use, detrimentally affects public health, comfort, convenience, safety, welfare and prosperity of Town citizens, the Town deems it necessary and appropriate to enact the following provisions and prohibitions which are declared NOISE DISTURBANCES PROHIBITED BY THIS ORDINANCE:

### **a. Loud Noises**

Making loud or unreasonable noises in a public place, or making loud or unreasonable noises in a private place that can be heard in a public place or other private places which can disturb **a person of average sensibilities**.

Disrupting the orderly conduct of business in any public or governmental facility.

Disrupting any lawful assembly or meeting of persons without lawful authority.

Creating any sound that endangers or injures the safety or health of a person or annoys or disturbs a reasonable person of normal sensitivities or that can cause one or more of the following effects:

1. Temporary or permanent hearing loss in persons exposed.
2. Injury to or tendency to injure.
3. Unreasonable interference with the comfortable and reasonable enjoyment of life or property or interference with the conduct of business.
4. Exceeding the limits or restrictions established herein or pursuant to the granting of any permit by the Town.

### **b. Radios, Stereos, Musical Instruments, PA Systems, etc.**

The using, operating or permitting to be played of any radio receiving set, musical instrument, stereo, public address system, or other machine, device or computer for the producing or reproduction of sound in such a manner as to disturb the health, safety and welfare of the neighboring inhabitants **at any time** and in such a manner as to be **louder than normal conversation at the property line or fifty feet from an individual or vehicle on any public or private way or property**.

### **c. Construction and/or Repairing of Buildings or Property.**

The erection (including excavation), demolition, blasting (demolition using explosives), alteration or repair of any building or property that generates noise **other than between the hours of 7:00AM and 8:00PM**, except in the cases of an emergency in the interest of public health and safety. All equipment used for construction shall have properly installed and maintained silencing systems as originally furnished by the equipment manufacturer. This ordinance forbids the use of unmuffled exhaust or intake systems on mobile or stationary equipment.

### **d. Yelling, Shouting and the like.**

Yelling, shouting, hooting, whistling, singing that is **louder than normal conversation at the property line or fifty feet from an individual or vehicle on any public or private way or property** so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, or other type of residence, or of any persons in the vicinity.

### **e. Animals, Birds and the like.**

The keeping of any animal, bird or pet which by causing frequent noise **lasting more than 30 minutes continuously or totaling 45 or more minutes of intermittent sustained noise in any given day**, or if it makes noise during the night hours so as to disturb the peace and quiet of the neighborhood or area, shall be considered to be disturbing the comfort and repose of any person in the vicinity.

### **f. Fireworks.**

Use in accordance with **RSA 160-B:1-23** is **allowed between sunset and 10:00 PM** from July 1 through July 7 and New Year's Eve. Use outside permitted times will be prima facie evidence that the user has violated this ordinance. Law Enforcement Officers may confiscate any and all remaining fireworks on-site.

#### **g. Firearms.**

Firearms may not be discharged under the circumstances prohibited by **RSA 207:37a, RSA 208:8 and RSA 644:13, and/or rules and regulations governed by the NH Fish and Game Authority.**

#### **h. Misuse of Power/Loud, Unusual or Other Unnecessary Noise.**

Any noise occasioned by any one or more of the following actions of the operator of any on road or off road vehicle including trucks, tractor trailers, :

1. Misuse of power exceeding tire traction limits in acceleration, sometimes known as "laying down rubber" or "peeling rubber", or;
2. Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency or;
3. Rapid acceleration by means of quick up-shifting of transmission gears with either a clutch and manual transmission or an automatic transmission, or;
4. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch and manual transmission or an automatic transmission or;
5. Racing an engine by manipulation of the accelerator, gas pedal, carburetor, or gear selection whether the vehicle is either in motion or standing still, or;
6. The blowing of any horn except as a warning signal or the use of any other noise-making device, whether the vehicle is in motion or standing still, or;
7. No trucks, tractor trailers or other motor vehicles (excluding passenger vehicles) shall be started or idled between the hours of 8 pm and 7 am.
8. Use of inadequately muffled Jake (compression) brakes is not allowed except in emergency.

#### **EXEMPTIONS - THIS ORDINANCE SHALL NOT APPLY TO NOISE EMITTED OR RELATED TO THE FOLLOWING:**

1. Persons operating vehicles, machinery or equipment while engaged in snow clearance or snow removal operations so long as such operations are performed within 3 days of the cessation of a winter storm resulting in the accumulation of at least 3 inches of snow within the Town's limits.
2. Noise created by emergency vehicles in response to or relating to an emergency.
3. Noise from domestic power equipment operated between the hours of 7:00AM and 8:00PM.
4. Noise created to perform emergency work to restore property to a safe condition following an emergency or work required to protect persons or property from exposure to imminent danger of damage. This includes noise from power generating equipment.
5. The existing gun club in accordance with RSA 159-B.
6. The legal use of firearms.

#### **ENFORCEMENT AND PENALTIES**

**Penalty:** Any person violating any of the provisions of this ordinance shall result in a written warning **OR** a fine of \$50.00 for the first offense, \$100.00 for the second offense or \$150.00 for a third or subsequent offenses. The fine shall be paid within ten (10) business days of its issuance, and any person failing to make payment within the said ten (10) business days shall be charged interest at the rate of eighteen (18) percent per annum.

**Manner of Enforcement:** Town Officials and Agents shall serve violations of this ordinance in the same manner as violations of other ordinances of the Town of South Hampton. The Board of Selectmen of the Town of South Hampton, or their Agents, may bring forward and prosecute complaints regarding non-compliance with this ordinance. Town Officials and Agents are empowered to seek any and all relief available under the law, including but not limited to fines, fees, reimbursement of attorney's fees and injunctive relief.

#### **SEVERABILITY**

The provisions of this ordinance are severable. If any provision of the ordinance or its application to any person or circumstance is held invalid, such invalidity will not affect other provision or applications of the ordinance which can be given effect without the invalid provisions or applications.

## DEFINITIONS OF WORDS USED IN THIS ORDINANCE

**Construction:** means any and all physical activity necessary or incidental to the erection, placement, demolition, assembling, altering, cleaning, repairing, installing or equipping of buildings and other structures, public or private highways, roads, premises, parks, utility lines or other property and shall include land clearing, grading excavation, filling and paving.

**Demolition:** means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

**Domestic Power Equipment:** means power equipment intended for use in residential areas by homeowners. Examples include, but are not limited to, chain saws, log-splitters, power saws, drills, grinders, lawn and garden tools, power generating equipment and off road vehicles.

**Emergency:** means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.

**Fireworks:** means any composition or device designed to produce a visible or an audible effect by combustion, deflagration, or detonation, as defined in 27 C.F.R. section 555:11 or as otherwise defined by RSA 160 - C:1

**Muffler:** means a device consisting of a series of chambers or baffle plates or other mechanical design for the purposes of receiving exhaust gases and effectively reducing noise. RSA 259:66

**Noise Disturbance:** means causing a breach of the peace, public inconvenience, annoyance or alarm, or recklessly creates a risk thereof.

**Night:** means the period between sunset and sunrise.

**Person:** means an individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau or agency or any other entity recognized by law as having rights and duties.

**Tractor-Trailer:** means any truck, tractor and semi-trailer. RSA257:109.

**Truck:** means every motor vehicle designed, used or maintained primarily for the transportation of property. RSA 259:115-b

☐ Yes ☐ No

### Article 03: Sign Ordinance

Are you in favor of the adoption of the following amendment to the Zoning Ordinances of the Town of South Hampton as proposed by the Planning Board:  
Recommended by Planning Board (5-0)

Article XX. SIGNS (Adopted 3/13/90, amended March 8,2016)

A. Purpose: The purpose of this ordinance is to permit signs that will not by reason of size, location, construction or manner of display, endanger public health and safety.

B. Definitions:

1. Area: The area of one side of a not more than two sided sign, or one half of the total area of more than two sides.
2. Sign: Any surface, fabric, device or display which bears lettered, pictorial, or sculptured material designed to convey information visually and which is exposed to public view.

C. Enforcement:

1. The Building Inspector shall be the administrative officer of this ordinance.

2. No sign shall be erected, moved or altered until a permit therefore is issued under the terms of this ordinance.
3. All unused sign permits shall expire one (1) year from the date of issuance.
4. All applications for sign permits shall be accompanied by an acceptable sketch of the proposed sign, and an indication of the location and dimensions of all existing signs located on the lot or tract.

D. General Provisions:

1. No sign in a Residential District shall be illuminated.
2. No sign in a Commercial or Industrial District shall be internally illuminated, flashing, or animated, nor shall any illuminated sign or advertising outline any part of a building such as a gable, roof, sidewalk or corner.
3. The maximum height of all signs shall not exceed fifteen (15) feet above grade, as determined by the average ground level around the sign.
4. There shall be permitted in the following zones no permanent signs larger than:
  - a. Four (4) square feet in any Residential District.
  - b. Thirty-two (32) square feet in any Commercial District.
  - c. Thirty-two (32) square feet in any Industrial District.
5. Every sign shall be constructed of durable material and shall be maintained in good condition and repair at all times.
6. Illuminated roadside signs shall not remain lit after 9:30 p.m..
7. No sign shall be located within the right-of-way of any town road, nor shall it obstruct driving sight distance.
8. Any sign in the Historic Districts shall require approval of the Historic District Commission prior to being erected.

E. Number of Signs:

1. No more than one (1) freestanding sign shall be permitted on any lot.
2. A single freestanding sign is permitted for each business in the Commercial and Industrial Districts except:
  - a. Where two or more businesses share a lot or tract, a single freestanding sign is permitted for the entire lot or parcel.

F. Exceptions:

1. In the Rural Residential District, the Zoning Board of Appeals may allow a business two additional non-illuminated seasonal signs, each not to exceed eight (8) square feet in area, for a period not to exceed eight (8) months a year.
2. One temporary sign is permitted on any lot or parcel, provided it is unlit, is located ten (10) feet away from the right-of-way, does not exceed eight (8) square feet in area, and is removed within six (6) months. No lot or parcel may display a temporary sign for more than six (6) months per year.
3. In the Commercial and Industrial Districts, the Zoning Board of Appeals may allow a South Hampton business to place two (2) signs located off the site of the business. These signs must not exceed four (4) square feet in area, and meet all the other provisions of this ordinance.

☐ Yes      ☐ No

## Article 04: Operating Budget

To see if the town will vote to raise and appropriate the budget committee recommended sum of \$833,995 for general municipal operations. This article does not include appropriations contained in special or individual articles addressed separately. (Majority vote required)

*The following table shows the relationship between the operating budget, other warrant articles, and the total appropriations compared to last year:*

	<u>2016</u>	<u>2015 Budget</u>	<u>2015 Actual</u>
Operating Budget	833,995	794,223	740,767
Warrant Articles	116,942	70,958	70,958
Total Appropriations	950,937	865,181	811,725

*The selectman's operating budget is an increase of approximately 10% from last year appropriated budget.*

## Article 05: Cruiser Balance

To see if the Town will vote to raise and appropriate \$817 to pay the difference in interest owed for the 3-year lease agreement voted on last year. The second year payment of \$9,807 is included in the operating budget. The \$817 for the third year payment will be included in the operating budget in 2017. *(At the 2015 Town Meeting, Warrant Article 3, the Town voted to enter into a 3-year lease agreement for a police cruiser in the amount of \$29,419, and appropriated \$9,807 for the first year's payment. There was a calculation error in the interest of the agreement and therefore the total amount of the lease will be \$31,868 a difference of \$1,633.)*

Recommendations: Selectmen 3-0, Budget Committee 5-0  
(Majority vote required.)

## Article 06: Town Building & Maintenance ETF

To see if the town will vote to raise and appropriate the sum of \$47,500 to be added to the Town Building & Maintenance Expendable Trust Fund created in 1992 under RSA 31:19

Recommendations: Selectmen 3-0, Budget Committee 5-0  
(Majority vote required.)

## Article 07: Highway Restoration

To see if the town will vote to raise and appropriate the sum of \$25,000 to be added to the Highway Restoration Capital Reserve Fund created in 1997, under RSA 35:1 and to further grant the selectmen as agent to expend from said fund.

Recommendations: Selectmen 3-0, Budget Committee 5-0  
(Majority vote required.)



#### **Article 08: Financial Audit**

To see if the town will vote to raise and appropriate the sum of \$7,000 to be added to the Financial Audit Capital Reserve Fund created in 2015.

Recommendations: Selectmen 3-0, Budget Committee 5-0  
(Majority vote required.)

#### **Article 09: Revaluation**

To see if the town will vote to raise and appropriate the sum of \$5,625 to be added to the Revaluation Capital Reserve previously established.

Recommendations: Selectmen 3-0, Budget Committee 5-0  
(Majority vote required.)

#### **Article 10: Town Bridge Restoration Fund**

To see if the town will vote to raise and appropriate the sum of \$2,500 to be added to the Town Bridge Restoration Fund previously established.

Recommendations: Selectmen 3-0, Budget Committee 5-0  
(Majority vote required.)

#### **Article 11: Library Interior Maintenance**

To see if the town will vote to raise and appropriate the sum of \$5000 to be added to the Library Interior Maintenance ETF previously established.

Recommendations Selectmen 3-0, Budget 5-0  
(Majority vote required.)

#### **Article 12: Furnace Replacement**

To see if the town will vote to establish a Furnace Replacement Expendable Trust Fund per RSA31:19-a, for the for the replacement of town buildings furnaces and to raise and appropriate \$9,000 to put in the fund, further to name the selectmen as agents to expend from said fund.

Recommendations: Selectmen 3-0, Budget Committee 5-0  
(Majority Vote Required)

#### **Article 13: Police CIP Fund**

To see if the town will vote to establish a Police Department CIP Expendable Trust Fund per RSA31:19-a, for the update of department building and equipment and to raise and appropriate \$8,000 to put in the fund, further to name the selectmen as agents to expend from said fund .

Recommendations Selectmen 3-0, Budget Committee 5-0  
(Majority vote required)

#### Article 14: Fire Department CIP Fund

To see if the town will vote to establish a Fire Department CIP Expendable Trust Fund per RSA31:19-a, for building maintenance and to raise and appropriate \$6,500 to put in the fund, further to name the selectmen as agents to expend from said fund.

Recommendations: Selectmen 3-0, Budget Committee 5-0  
(Majority vote required)

#### Article 15: Fire Department Vehicles and Equipment ETF

To see if the town will vote to appoint the selectmen as agents to expend from the Fire Department Vehicles and Equipment Expendable Trust Fund previously established in 2015.

(Majority vote required)

#### Article 16: Solar Exemption

Shall the town adopt the provisions of RSA 72:61-64 inclusively, which provide for an optional property tax exemption from the property's assessed value, for property tax purposes, for persons owning real property, which is equipped with solar energy systems intended for use at the immediate site. Such property tax exemption shall be in the amount equal to 100% of the assessed value of qualifying solar energy system equipment under these statutes.

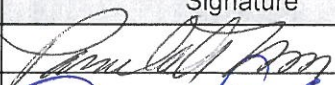

(Majority vote required)

#### Article 17: To transact any other business.

To transact any other business that may legally come before this meeting.

#### Given under our hands, February 10, 2016

We certify and attest that on or before February 10 we posted a true and attested copy of the within Warrant at the place of meeting, and like copies at the Fire Station and delivered the original to the Town Clerk

Printed Name	Position	Signature
Pamela Noon	Selectman	
Ronald Preston	Selectmen	
John A. Gamble	Selectmen	